

**Lewis County Planning Commission
Public Hearing
Lewis County Courthouse
351 NW North St.
Chehalis, WA 98532**

**June 28, 2011
Meeting Notes**

Planning Commissioners Present: Mike Mahoney, Bob Guenther, Bill Russell, Richard Tausch

Planning Commissioners Absent: Jim Lowery, Rachael Jennings, Arny Davis

Staff Present: Glenn Carter, Jerry Basler, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from May 24, 2011
- Staff Reports on Rezone Reports
- Letter from BOCC regarding code changes for festivals and events
- Rezone Information from Jill Hartman
- Rezone Information from Norman Gastfield

I. Call to Order

Chairman Russell called the meeting to order at 7:00 p.m. The Commissioners introduced themselves.

II. Old Business

A. Approval of meeting notes from May 24, 2011.

Chairman Russell entertained a motion to approve the meeting notes from May 24, 2011. The motion was made and seconded. The motion carried unanimously.

B. Update on South County Subarea Plan

Mr. Basler stated staff met with the state and the state had a few recommendations, primarily in the land use and the capital facilities sections. A governance agreement is being drafted between Toledo, Vader and Winlock for water and sewer. When that has been done some language in the plan will need to be changed. Mr. Basler stated it is probably going to be October or November before the plan is brought back to the Planning Commission.

Mr. Guenther asked what the reception has been by the land owners. Mr. Basler stated he and Mr. Mike McCormick met individually with all the property owners who were not interested in being included in the south county plan. It was explained to the property owners what it meant to be included in the plan or not included, and if they are not included they may not be able to later be included. That information will become part of the plan as the boundaries will need to be re-drawn. Those discussions went a long way to alleviate some of the concerns and it gave the county a chance to explain the plan in depth.

Mr. Guenther suggested that prior to the public hearing another attempt to sit down with folks should be made available. When this goes to public hearing, he would like to say that every opportunity was given to discuss the plan.

Mr. Basler stated that was discussed at the last Planning Commission. A mailing of some type was also discussed.

Chairman Russell asked if there was any headway made with the letter regarding the property tax situation. Mr. Basler stated when he and Mr. McCormick met with the landowners they took the letter with them. The Assessor's office was very helpful and the public felt comfortable with the information.

C. Update on WRIA (Water Resource Inventory Area)

Mr. Basler stated the meetings are continuing and the recommendations would come together in the October/November time frame. Mr. Basler stated ultimately the recommendations will go to the Department of Ecology. Those recommendations may or may not affect stream closures. Mr. Basler stated the Lower Columbia Fish Advisory Board is the lead agency and it is their report that will go to DOE.

E. Public Hearing on Rezone Requests

Chairman Russell opened the public hearing and stated anyone interested in giving testimony should sign in at the podium. He reminded the audience that the Planning Commission only makes recommendations to the Board of County Commissioners based on the staff report and independent information as well as what the property owners tell them. There will be one more workshop before the recommendations go to the BOCC. There will also be a public hearing before the BOCC and everyone will have an opportunity to speak again at that time.

Mr. Basler stated Application #1 is from the Herbrand Company, requesting rezoning 60 acres from Agricultural Resource Land (ARL) to Mineral Resource Land. He explained that the land is not farmable and has been used in the past as a rock pit by the Department of Natural Resources. A geotechnical report was submitted stating there is a high likelihood of mineral deposits at the site. Staff recommends re-zoning this property to Mineral Resource Land.

Chairman Russell asked that Mr. Basler summarize each application and then testimony and questions will follow.

Application #2: Ms. Jill Hartman owns approximately 18 acres which is now designated ARL. She is requesting RDD-5 zoning. There is a home and some outbuildings on the property currently and a natural gas line runs through the property on the eastern boundary. The applicant did submit a soils report that shows some prime soils and some poor soils; it has not been drained. There is some RDD-5 zoning to the north and east; the other surrounding land is ARL. Mr. Basler stated staff recommends retaining this property as ARL.

Commissioner Mahoney stated there is not agricultural activity taking place at this time and there has been none in the recent past. There is an easement along the eastern side that would not allow development within a buffer area outside the easement and the soils are not drained and there is no irrigation. Commissioner Mahoney does not think this property can be considered ag land of long term

commercial significance with those conditions. He does not agree with staff's recommendation, with the exception of the parcel becoming a spot zone if it is re-zoned.

Mr. Basler stated with the ARL designations, staff looked to see if there were any significant changes, such as subdivisions, etc. that might help the case. In this particular request, he did not see evidence of those types of changes.

Application #3 is from the Port of Chehalis, requesting approximately 390 acres rezoned from RDD-5 to Rural Area Industrial (RAI). There is existing industrial activity at the adjacent Curtis Railyard. Development regulations limit the Curtis Railyard to resource and rail-related large lot uses which cannot be served in the UGA. A master plan shall be created to enforce these rules. Staff recommends the change from RDD-5 to RAI.

Commissioner Mahoney asked if the small parcels to the southwest are under the same ownership. Mr. Basler stated they are not. Commissioner Mahoney agreed that this area would not lend itself to residential development.

Application #4 is from Packwood Lumber asking for rezoning from Small Town Industrial to Small Town Mixed Use (STMU). Mr. Basler pointed out on the revised map the cross-hatched section between two parcels. He explained that this would be a two-part process. The two parcels, if approved, would be rezoned as STMU and the easterly line on the western portion would be moved by a Boundary Line Adjustment (BLA). Mr. Basler would ask that the BLA be a caveat to the re-zoning and the applicant agreed.

Commissioner Guenther asked if the intention is to make this site available for hotels or motels. Mr. Basler stated the applicant would like it to be more for housing and mixed use. Mr. Guenther stated there is not much land in this area for industrial development. Mr. Basler stated the owners feel that this site will just sit there if other opportunities are not opened up for it. It is likely that large companies will not locate here but smaller companies might.

Commissioner Mahoney asked why the buildings are not being included in the request, but only the undeveloped lower portion. Mr. Basler stated the area is part of a LAMIRD and the owner wants to "test the market" rather than bringing the entire area in at once.

Chairman Russell asked for clarification that the BLA would not affect the northern portion of the property. Mr. Basler stated that was correct and if this is approved they would start the process of the BLA.

Application #5 is for Mr. Norman Gastfield who is asking for 50 acres to be rezoned from ARL to RDD-5. The applicant states that the parcel is not suitable for farming due to poor soils, steep slopes and wetlands. The parcel has not been farmed. The applicant has had a soils report done which states that most of the parcel is too steep to farm and most of it is not prime soil and it would be cost prohibitive to make it farmable. It is not irrigated.

Mr. Basler stated staff recommends retaining the ARL designation because it would create a spot zone; however RDD-20 zoning exists to the southwest and RDD-10 zoning exists to the northeast.

Commissioner Mahoney stated this property is too steep to farm and it does not have good soils but it is right in the middle of intensive agricultural use. Even if it is not retained as ARL an appropriate zoning would be RDD-20, not RDD-5. He did not think this should be developed for residential use to that density.

Application #6 is for about 24 acres to be rezoned from ARL to RDD-5. This particular application was remanded back from the BOCC in 2010. There is a home and some trees on the parcel; there is some development to the north.

Commissioner Mahoney stated Mr. Basler's report stated about 75% of the site is poor to moderately drained. He asked if this is referring to the topography. Mr. Basler stated yes. Commissioner Mahoney stated NCRS definitions for drainage states mechanical drainage has to be effective and have a discharge point. There is no place to drain to on this parcel so it cannot be drained. This could not be a commercial farm and since it is immediately adjacent to RDD-5 he disagrees with staff's recommendation.

Commissioner Guenther stated if this is divided into lots it is possible septic systems could not be put on the lots because of the drainage issue. Chairman Russell stated there are ordinances in place to cover that should it occur.

Mr. Basler stated that concluded the overview of the applications.

Chairman Russell opened the public testimony portion of the hearing.

Mr. Steve Rambo, 127 Olson Rd., Chehalis, was representing his mother, Ms. Joan Rambo, Application #6. He stated when his mother purchased the property it was zoned RDD-5 and about 30 years ago the Rambos planted Christmas trees. The property was later re-zoned ARL and Ms. Rambo is requesting to go back to RDD-5. A soil test was done and the recommended lime requirement for this type of soil to get it back to productivity was 6.4 tons per acre. The soils scientist stated he had never seen a soil sample come back that required that much. Due to 30 years of growing Christmas trees the soil has been depleted of nutrients. There is a contractor who is currently growing hay with a poor yield.

Regarding drainage, there is a drainage area but there is nowhere for the water to go because the land is flat.

Mr. Gary Buddemeyer, 288 Forest-Napavine Rd. East, was representing Ms. Jill Hartman, Application #2. Mr. Buddemeyer stated the only place to put a livable structure is in the northeast section. The rest of it is swamp most of the time. It was previously zoned RDD-5. A soil survey was done and according to that survey the soils meet the criteria described in sections 2, which states the property was included in ARL due to incorrect mapping of prime soils; and in section 3 it states "if prime soils are drained and irrigated" and they are not drained or irrigated.

Mr. Buddemeyer stated the staff reports mentions a creek flowing from the north to the south and according to the soil survey, there are actually three Type F streams on the property. There are culverts

that were identified by the county and Mr. Buddemeyer provided photographs of the streams and culverts.

Mr. Buddemeyer stated Ms. Hartman would like the RDD-5 zoning so her sister can buy 5 acres and build a house on the northeast section; she is not interested in developing it.

Mr. Buddemeyer referenced the Natural Resources Goals and Objectives, NR1.3 (3) and NR1.6 and both apply to the conditions of Ms. Hartman's soils. The staff report also states that conditions do not appear to have changed from the original ARL designation. Mr. Buddemeyer stated the conditions have not changed: it was not ARL to begin with, it was RDD-5. It has not been suitable for agricultural uses and the evidence from the soils report shows that it will never be suitable for agricultural use.

Mr. Buddemeyer stated he would like Mr. Greg Jones to give testimony.

Mr. Greg Jones, Forest Pro, Inc., and is certified in wetland delineations and mitigations. He was asked by Ms. Hartman to look at the property to address the wet-land related issues. He dug soil pits and did vegetation analysis and there are two sides of a ridge on the property that has jurisdictional wetlands. Jurisdictional wetlands under critical areas are defined as being regulated in the county and it is very restrictive as to what can be done on them. He explained that the Corps of Engineers requires a nationwide permit on any draining of over ½ acre of wetlands.

Mr. Jones pointed out the wetlands on the map. There are some creeks on the parcel and two significant wetlands on both sides of the higher ground. On a scale of 1 to 10 with 10 being the wettest, this property is about a 7 which is abnormally wet. He stated about 50-60% of the property is wetlands. There is some higher ground on the east side but none on the west side.

Mr. Mark Giffey, 179 Hojem Heights, Chehalis, is a Commissioner with the Port of Chehalis, which is Application #3. He gave some background on the Curtis Pole Yard, stating the Planning Commission has a file on this property. In the 1970's Weyerhaeuser re-graded this site for a potential mill site. The site is served by rail and the Port of Chehalis became involved to try to preserve rail-served sites to create jobs.

The main parcel is owned by McFarland-Cascade and the Port of Chehalis has approximately 60 acres there with about 20 acres to be designated as a wetland reserve area. He pointed out on the map where the hillside met the valley floor. While there is considerable acreage listed in this application, it is mainly the valley floor area that has potential for industrial development in the future. It is served by a functioning rail line although there is no traffic on it except the Steam Train.

Mr. Giffey stated there has been interest in the site but the current zoning and the ability to assure fairly quick permitting since it is zoned RDD-5 has stalled that interest. The Port is asking that the site be considered for industrial use.

Commissioner Guenther asked the approximate acreage that could be developed for industry. Mr. Giffey stated he thought it was around 240 acres and that there are site and drainage plans in the county Planning Department.

Mr. Keith Gastfield, 1308 Sunset Way, Centralia, was speaking to Application #5. Mr. Gastfield stated Mr. Greg Jones has been involved with this property also. He provided statements regarding the terrain and the soils and enlisted the services of Mr. Steve Webster, a soils scientist.

The land is currently forest land and is being managed as forest land; most of the property is too steep to farm and about 84% is not prime farmland and would require cost-prohibitive modifications to make it farmable. Mr. Gastfield submitted written testimony and photographs for the record.

Mr. Gastfield is requesting RDD-5 zoning; it was previously zoned RDD-10 before the ARL process. He has a proposed plan for an RDD-5 subdivision of this land. There are five places where a house could be built. They would be 5 acre lots, leaving 25 acres of open space in wetlands and for wildlife habitat.

A concern he heard is taking a piece of agricultural land out of the middle of agricultural land and that there is nothing similar to what he wants to do in that area. Mr. Gastfield asked Mr. Basler to put on the screen the map with the lot lines. There are 10 lots to the south ranging from less than 2 acres up to about 11 acres and each one is a residence. Mr. Gastfield stated the neighbors like his idea of subdividing. He is not doing something in the middle of nowhere; it is a rural community.

He stated he would be flexible in working with the Planning Commission and zoning it RDD-10 so the home sites could be clustered. He stated there seems to be agreement that the land is not suitable for agriculture and RDD-5 is not unreasonable considering the neighboring lots, and open space is critical.

Commissioner Mahoney asked what the operation is that is directly north of his property. Mr. Gasfield stated that is IFA Nurseries, occupying about 600 acres between his property and the river. Just to the northeast is a farm that raises cows.

Commissioner Mahoney asked if access to the property is on the southern edge. Mr. Gastfield stated that was correct and an easement was secured from IFA for a southwest corner of the property.

Mr. Glenn Carter asked if the northern part of the property is drained at all. Mr. Gastfield stated there is a drainage ditch but it is surface drainage, and DNR discovered fish habitat there, so it will never be drained.

Mr. Robert Kling, 151-28 Kennicott Dr., Chehalis, and wished to speak about Mr. Gastfield's property. Mr. Kling sold Mr. Gastfield the property and it was zoned forest land and forest land designation at that time allowed 5 ten-acre home sites. There are no more than five building sites on the property and they could be five or ten acre lots and they could be clustered as Mr. Gastfield suggested. Because of the slopes and wetlands the property is not suitable for farming. He encouraged the Planning Commission to recommend the rezone change.

Mr. Cameron Craig, 9600 SW Barnes Rd., Portland, was representing Hampton Affiliates, the owners of the Packwood mill site (Application #4). He summarized the plans for the property. Hampton Affiliates spoke to local economic development interests, folks in Packwood, Hampton's mill managers in Morton and Randle and county staff about what the use could be for that property. It is zoned industrial and has been developed and used industrially for many years. It is a very large site for a community like Packwood. It was determined that there was a need for workforce housing. Giving that land a mixed

used designation would attract additional buyers and allow for more flexibility in the development of the property.

In addition, Hampton has tried to be involved with the work being done in Packwood to establish a sewer district. Developing home sites or something else on this property would be helpful to moving that process forward, specifically more users and its location which is adjacent to any sewer development.

The portion of that land has not been developed, being used for the timber stacks, and it can easily be re-developed. A lot line adjustment was not done in advance of this request due to advice from county staff. We did not want to decide on developing 50 acres only to have the Planning Commission see something different and the boundary line adjustment could have been in the wrong place. We would be agreeable to a boundary line adjustment as a condition to the approval of the rezone.

Mr. Craig stated Hampton Affiliates is not a developer. They would like to sell the property to someone to bring jobs to the community.

Commissioner Guenther sees that site as an opportunity to bring jobs to that area. He would not like to see the entire site put into homes when jobs are needed in that area. He believes that the Gifford Pinchot National Forest someday will bring jobs back to that community and it would be nice to have a site for in-valley manufacturing or something similar.

Mr. Craig understands that Lewis County has an inventory of industrial land and it would not like to see that 130-acre piece go away, even in this location. The mixed used designation would allow for housing development and maybe other types of development relating to the ski resort. We see it as workforce housing and employment land.

Mr. Jones spoke for the Herbrand Corporation, Application #1. Approximately 60 acres are being requested to be zoned Mineral Resource Land. It is currently zoned Agricultural Resource Land. He had a picture of the site that he passed around to the Planning Commission. There is a huge rock outcrop and part of it has been mined. The proposal is to take the rock outcrop down to ground level; it will not be a sub-surface proposal.

The site was a DNR rock pit dating back to the 1980's. In August, 2010 DNR approved the forest practices to expand the original DNR pit to three acres. A couple of weeks later DNR approved another permit to build an additional 3300 feet of road and develop two more rock pits on the north side of the existing pit. A SEPA checklist was submitted to mine 14.6 acres and approximately 1 million cubic yards. The geotechnical report states it will clearly meet the financial burdens of the opportunity for a rock pit. It is currently zoned Agricultural Resource Land and the request is to change it to Mineral Resource Land so it will stay as resource land if the rezone is approved.

Chairman Russell asked if anyone else wished to give testimony. There was no one and the Chair closed the oral testimony portion of the hearing. He stated written testimony would remain open until Friday, July 1 at 5:00 p.m. Written testimony can be submitted to Community Development at 2025 NE Kresky Avenue, Chehalis, WA. 98532.

III. Calendar

Chairman Russell stated a handout was distributed to the Planning Commissioners regarding a nuisance code which needs to be discussed at a Planning Commission meeting. He asked to have it put on the calendar to start that discussion.

Commissioner Mahoney asked if another workshop is necessary for the rezones. Chairman Russell stated yes, to consider the testimony received tonight and any possible written testimony received.

Mr. Basler stated the Shoreline Master Program needs to be updated and he was planning to invite someone from Ecology to give a presentation about this program. It may need to be planned for another meeting.

After discussion, a meeting was tentatively scheduled for July 12, 2011.

Commissioner Guenther wished to make a comment regarding the hearing just held. He stated most of the present commissioners were on the Planning Commission when the agricultural land was designated. He stated [the process] was not easy but they all agreed that people should have the opportunity to come back to the Commission to address their specific needs, even if their land had been zoned ARL. He was very proud of his fellow Commissioners' work and listening to the people tonight who submitted requests for rezones.

IV. Good of the Order

No one wished to speak.

V. Adjourn

Commissioner Mahoney made a motion to adjourn; Commissioner Tausch seconded. The meeting adjourned at 8:30 p.m.